

III. REMARKS

Claims 1, 2, 4-7, 9-12 and 14-22 are pending in this application. By this amendment, claims 1, 7, 12, 16, 18, 19 and 20 have been amended herein; and, claims 3, 8 and 13 are cancelled herein. Applicant does not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is requested.

Entry of this Amendment is proper under 27 C.F.R §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicant respectfully requests entry of this Amendment.

Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 2, 7, 12, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rooney (“Intelligent Resource Director”, 2002), hereinafter “Rooney”. Claims 3-6, 8-11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rooney in view of Kyne (“z/OS Intelligent Resource Director”, 2001), hereinafter “Kyne”. Claims 16-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rooney.

Applicant respectfully submits that the claimed invention is allowable for the reasons stated below.

A. REJECTION OF CLAIMS 1-22 UNDER 35 U.S.C. §101

With respect to the rejection of claims 1-22 under 35 U.S.C. 101, Applicant has amended independent claims 1, 7, 12, 16, 18, 19 and 20 to include features, such as, outputting the behavior of the modeling, and the like. Clearly, the claims produce a tangible (and usefully and concrete) product and result. Accordingly, Applicant respectfully requests withdrawal of the rejection.

B. REJECTION OF CLAIMS 1-15 AND 20-22 UNDER 35 U.S.C. § 103(a)

Claims 1, 2, 7, 12, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rooney. Claims 3-6, 8-11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rooney in view of Kyne.

Applicant traverses the rejections for the following reasons. Applicant respectfully submits that all claims are allowable over the cited art because the cited art does not teach or suggest all of the claim limitations.

First, with respect to independent claim 1, Applicant respectfully submits that the cited combination fails to teach or suggest, *inter alia*, calculating a resource percentage representing a percentage of total resources allocated to the LPAR, **wherein the resource percentage is equal to: 100% - a percentage of resources allocated to all other LPARs running in the simulated computer.** (emphasis added) See claim 1 as amended and similar language in independent claims 7 and 12.

Because the limitation previously found in claim 3 has been amended into independent claim 1, Applicant now refers to the rejection of claim 3 made in the Office Action. In rejecting claim 3, the Office admits that Rooney does not disclose the aforementioned limitation. Office Action, page 9, item 3. The Office then turns to Kyne for support of the admitted deficiency in Rooney and alleges that Kyne teaches the limitation at page 61 “table at bottom of page”. Office Action, page 9, item 3.

Applicant has read the cited section and Kyne in general, and respectfully contends that, *inter alia*, the referenced section and *both* Kyne and Rooney on a whole have no suggestion and/or teaching whatsoever of any type of simulated computer operation; modeling of behavior of an LPAR; and/or system(s) for modeling behavior. Even assuming, *arguendo*, that portions of Kyne or Rooney disclose some portions of the claimed invention, and even assuming *arguendo*, that it may be obvious to combine Kyne with Rooney, neither of the cited references teach or suggest any type of computer modeling. For example, Rooney in general is merely a white paper (by same assignee of instant application) describing “Intelligent Resource Director” which is a management feature of IBM’s eServer zSeries™ processors and z/OS operating system for managing multiple workloads. Page 567, first paragraph. In other words, the entire disclosure of Rooney is about *actual* operation of processors and management thereof, and not simulation and/or modeling. Similarly, Kyne appears to be a *de facto* operating manual for IBM’s z/OS Intelligent Resource Director. Conversely, as for example, the “Related Art” section of the instant application (i.e., paragraphs [0003] through [0007] discusses,

the present invention addresses, and claims, various limitations related to simulation tools and modeling systems/methods within a mainframe simulation tool.

In sum, this cannot amount to a clear teaching and/or suggestion of the aforementioned limitation. The combination of Rooney and Kyne do not teach or suggest all of the features found in claim 1, as amended. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to claim 1.

Independent claims 7 and 12 are rejected under the same rationale as claim 1. As a result, Applicant herein incorporates the arguments listed above with respect to claim 1.

With respect to dependent claims 2, 4-6, 9-11 and 14-15, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

C. REJECTION OF CLAIMS 16-19 UNDER 35 U.S.C. §102(b)

With respect to independent claim 16, Applicant respectfully submits that the cited reference fails to teach or suggest, *inter alia*, a method for **modeling workload** performance of a plurality of LPARs (logical partitions) in a **computer simulation**, comprising, *inter alia*, **providing a model** for each LPAR specified in the **computer simulation**; nor of setting an initial defined consumption **for each model**; nor of running **each model**; nor any other claimed aspects related to modeling. Emphasis added. See claim 16 and similar language in independent claims 18, 19 and 20.

In rejecting claim 16, the Office alleges that Rooney discloses the aforementioned limitations at Rooney on pages 571, 572, 575 and 576. Office Action, page 13, item 4.

Applicant has read the cited sections in Rooney, and Rooney in general, and respectfully contends there is no teaching or suggestion whatsoever of any type of modeling and/or computer simulation, as in the claimed invention. As similarly discussed above regarding the rejections under 103, Rooney relates to the *actual* management of processors and the like. There is simply inadequate disclosure in any of Rooney for these features. In sum, this cannot amount to a clear teaching and/or suggestion of the aforementioned limitation.

In sum, Rooney does not teach or suggest all of the features found in claim 16. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to claim 16.

Independent claims 18, 19 and 20 are rejected under similar rationale as claim 16. As a result, Applicant herein incorporates the arguments listed above with respect to claim 16.

With respect to dependent claims 17 and 21-22, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

IV. CONCLUSION

In light of the above remarks, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

Date: May 4, 2007

/ Joseph J. Christian /

Joseph J. Christian
Reg. No.: 51,560

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044